

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

KURT A. WILLMAN

Plaintiff,

vs.

ROBERT HERNANDEZ, Warden; et al.

Defendants.

CASE NO. 07cv0816 JM(PCL)

ORDER ADOPTING REPORT AND
RECOMMENDATION RE:
GRANTING DEFENDANTS'
MOTION TO DISMISS; GRANTING
LEAVE TO AMEND

Having carefully considered Magistrate Judge Lewis' thorough and thoughtful Report and Recommendation Re: Granting Defendants' Motion to Dismiss ("R & R"), the record before the court, the absence of any objections to the R & R, and applicable authorities, the court adopts the R & R in its entirety.

In sum, the R & R is adopted in its entirety and the complaint is dismissed without prejudice. Plaintiff is also granted 25 days leave to amend from the date of entry of this order.

IT IS SO ORDERED.

DATED: February 28, 2008



Hon. Jeffrey T. Miller
United States District Judge

cc: All parties